

Remarks

After the foregoing amendment, claims 40 – 48 are pending, with claim 40 being the only independent claim. Claims 1 – 39 have been cancelled without prejudice. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the following remarks.

35 U.S.C. §102

Claims 40-47 are rejected under 35 U.S.C. section 102(e) as being anticipated by Bates *et al.* (U.S. Patent 7,076,546; hereinafter “Bates”). Applicant submits that the pending claims 40-47 are presently in condition for allowance as each and every element of the pending claims are not disclosed by Bates.

In the Office Action, the Examiner contends that Bates’ tracking of web browsing anticipates Applicant’s link tracking. This argument is respectfully traversed and it is submitted that the invention is fully distinguished from Bates, as explained in more detail below.

With regard to claim 40, Bates does not teach, suggest, or describe each of the elements of independent claim 40, in particular because it does not use “a link tracking code” as is presently claimed. Instead, Bates tracks “where particular users are browsing”. (Bates, Abstract). The differences between the claimed link tracking code and the teaching of Bates are very significant. Bates tracks where users are browsing – specifically Bates tracks different web pages or URLs that are visited by the user. These can be referred to as “hits.” In contrast, the claimed invention tracks what links in an array of links are selected by a user. These can be referred to as “clicks.” There are very clear differences between “hits” and “clicks.”

Two examples should shed light on the differences. First, consider a web page that has 100 links in it. Ten of these links may point to the same destination URL. Under Bates, any request for the destination URL (regardless of which of the 10 links was selected) results in a tracking action that takes place at the destination, specifically the recording of a “hit” on the server that provides the web content at the destination URL. The claimed invention, however, distinguishes between which of the 10 links was selected and tracks the “click.” This results in extremely different data being collected and provides a significantly richer amount of information regarding how a user interacts with a web page. It can also prove to be very significant with respect to advertising revenue and the

determination of the success rates for ads. See for example, page 4, lines 10-14, of the present application where it states:

Content service providers are interested in keeping track of how many times an advertisement has been displayed and/or clicked to determine the appropriate fees to charge to an advertiser, as well as to calculate fees based on the number of times an advertisement has been clicked or displayed.

Merely knowing which URL the user browsed to, as taught by Bates, is of little purpose to the current claims, since the advertiser would not know which links users are routinely selecting and which links users are routinely skipping over and not selecting. Therefore, in the present example, the current claims can help advertisers get feedback about where they want to place their links to have the most effective advertisements in an optimized web page, for example.

Similarly, a second example occurs in a web page that has a single link and the single link is tied to a random URL generator that operates to select one of ten related web pages when the user selects the link. Under Bates, this sort of web page might result in the identification of ten different URLs that were “hit” by the user if the link was selected ten times and ten different URLs were randomly selected. In contrast, under the claimed invention, the result would indicate that the single link itself was selected ten times. Therefore, the present claims are focused on recording information associated with the selection of links, irrespective of where the link causes the browser to go. Bates, on the other hand tracks the “hits” resulting from user browsing and not the “clicks” made by a user.

Therefore, Bates does not teach, suggest, or describe a “link tracking code”. Bates also does not teach initializing an initial function that creates an array of links that can be selected by a user. Bates also does not teach sending a link tracking request to a link tracking server, wherein the link tracking request corresponds to the selected link and sending a web page content request, which according to independent claim 40 is separate from the link tracking request.

Instead Bates records “hits”, which conveys different information and is not presently claimed in independent claim 40. Since there is a significant difference between tracking “hits” and tracking “clicks”, as previously explained, Applicant asserts that independent claim 40 is in condition for allowance. Since claims 41-48 depend from an allowable claim, they are in condition

for allowance as well. Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC section 102(e).

35 U.S.C. §103

Claim 16 is rejected under 35 U.S.C. section 103(a) as being unpatentable over Bates in view of Gamon (U.S. Pub. No. 20020054126; hereinafter "Gamon"). Claim 16 has been canceled. The rejection is now moot.

Conclusion

If the Examiner has any questions or comments regarding the above Remarks, or if a discussion would be beneficial to advance prosecution, the Examiner is urged to contact the undersigned at the number listed below.

Respectfully submitted,
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